

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, JULY 20, 2012
9:00 A.M.**

**AOC SEATAC OFFICE
18000 INTERNATIONAL BOULEVARD, SUITE 1106
SEATAC, WASHINGTON**

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Barbara Madsen, Chair
Supreme Court

Judge Chris Wickham, Member Chair
Superior Court Judges' Association
Thurston County Superior Court

Judge Sara Derr, President
District and Municipal Court Judges'
Association
Spokane County District Court

Judge Deborah Fleck
Superior Court Judges' Association
King County Superior Court

Judge Janet Garrow
District and Municipal Court Judges'
Association
King County District Court

Judge Jill Johanson
Court of Appeals, Division II

Judge Kevin Korsmo
Court of Appeals, Division III

Judge Linda Krese
Superior Court Judges' Association
Snohomish County Superior Court

Judge Michael Lambo
District and Municipal Court Judges'
Association
Kirkland Municipal Court

Judge Craig Matheson, President
Superior Court Judges' Association
Benton and Franklin Superior Courts

Judge Jack Nevin
District and Municipal Court Judges'
Association
Pierce County District Court

Justice Susan Owens
Supreme Court

Judge Kevin Ringus
District and Municipal Court Judges'
Association
Fife Municipal Court

Judge Ann Schindler
Court of Appeals, Division I

Judge Scott Sparks
Superior Court Judges' Association
Kittitas County Superior Court

NON-VOTING MEMBERS:

Mr. Stephen Crossland, President
Washington State Bar Association

Ms. Callie Dietz
Interim State Court Administrator

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Judge Christine Quinn-Brintnall
Presiding Chief Judge
Court of Appeals, Division II

Ms. Michele Radosevich, President-Elect
Washington State Bar Association

Judge Charles Snyder, President-Elect
Superior Court Judges' Association
Whatcom County Superior Court

Judge David Svaren, President-Elect
District and Municipal Court Judges'
Association
Skagit County District Court



Board for Judicial Administration (BJA)

Friday, July 20, 2012 (9:00 a.m. – 12:00 p.m.)

AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

AGENDA

1. Call to Order	Chief Justice Barbara Madsen Judge Chris Wickham	9:00 a.m.
2. Welcome and Introductions	Chief Justice Barbara Madsen Judge Chris Wickham	9:00 a.m.
Action Items		
3. June 15, 2012 Meeting Minutes Action: Motion to approve the minutes of the June 15, 2012 meeting	Chief Justice Barbara Madsen Judge Chris Wickham	9:05 a.m. Tab 1
Reports and Information		
4. Plain Language Forms	Ms. Janet Skreen Judge Laura Gene Middaugh Mr. Charles Dyer	9:10 a.m. Tab 2
Break		9:55 a.m.
5. Interpreter Resolution	Justice Susan Owens Justice Steven González	10:10 a.m. Tab 3
6. Race and Justice Task Force Recommendations	Chief Justice Barbara Madsen	10:25 a.m. Tab 4
7. Problem Solving Courts Work Group	Ms. Mellani McAleenan	10:45 a.m. Tab 5
8. BJA Account and Dues	Ms. Mellani McAleenan	11:00 a.m. Tab 6
9. Response to Inquiry from Judiciary and General Government Appropriations Committees	Chief Justice Barbara Madsen	11:10 a.m. Tab 7

10. Other Business Next meeting: September 21 Beginning at 9:00 a.m. at the AOC SeaTac Office, SeaTac	Chief Justice Barbara Madsen Judge Chris Wickham	11:35 a.m.
11. Adjourn		12:00 p.m.
<p>Persons with a disability, who require accommodation, should notify Beth Flynn at 360-357-2121 or beth.flynn@courts.wa.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.</p>		



Board for Judicial Administration (BJA)

Friday, June 15, 2012 (9:00 a.m. – 12:00 p.m.)

AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

MEETING MINUTES

Members Present:

Chief Justice Barbara Madsen, Chair
Judge Chris Wickham, Member Chair
Judge Marlin Appelwick
Judge Sara Derr
Judge Deborah Fleck
Judge Janet Garrow
Mr. Jeff Hall
Judge Jill Johanson (by phone)
Judge Kevin Korsmo (by phone)
Judge Linda Krese
Judge Michael Lambo
Judge Craig Matheson
Judge Jack Nevin
Justice Susan Owens
Judge Christine Quinn-Brintnall (by phone)
Judge Kevin Ringus
Judge Charles Snyder
Judge Scott Sparks
Judge David Svaren

Guests Present:

Mr. Jim Bamberger
Ms. Bonnie Bush
Ms. Patty Chester (by phone)
Ms. Ishbel Dickens
Ms. Christine Liebsack
Mr. Paul Sherfey (by phone)

Public Present:

Mr. Tom Goldsmith
Mr. Christopher Hupy
Mr. Mark Mahnkey
Ms. Karen Mount

AOC Staff Present:

Ms. Beth Flynn
Mr. Steve Henley
Mr. Dirk Marler
Ms. Mellani McAleenan
Dr. Carl McCurley
Mr. Matt Orme
Ms. Janet Skreen

The meeting was called to order by Judge Chris Wickham.

May 18, 2012 Meeting Minutes

It was moved by Judge Sparks and seconded by Judge Garrow to approve the May 18, 2012 BJA meeting minutes with the following revision at the top of page 4: "The TCOFC prioritized in the following order:" The motion carried.

Budget

A list of the nine budget items that the BJA decided to continue pursuing during the May meeting was distributed. The list contained a column that each BJA member will use to mark their funding priority for each of the nine items. Mr. Hall said each BJA member will complete the form and AOC staff will tabulate the results during the break. The results will then be discussed and acted upon.

Judge Wickham asked if the BJA members were comfortable with the process and Judge Appelwick stated he had two concerns: 1) that the items are trial court items and that trial court judges are in the best position to prioritize what is needed on a statewide basis; and 2) the real issue ought to be how much funding the BJA asks for and the overall political impact of the request.

It was moved by Judge Fleck and seconded by Judge Krese to recommend that the priority be in the same order that the items appear in the materials but only to recommend the following items to the Supreme Court: #1 interpreter restoration, #2 CASA restoration, #3 FJCIP restoration, and #4 video remote interpretation. After discussion, the motion was withdrawn.

The discussion regarding the motion focused on including the courts of limited jurisdiction judicial salaries, sharing the BJA's funding priorities with the Legislature regardless of funding potential, and whether each BJA member should get an individual vote regarding the priorities.

It was moved by Judge Matheson and seconded by Judge Derr to have each BJA member prioritize the funding requests and the BJA will look at the results later in the meeting. The motion carried with Judge Appelwick opposed.

Resolution in Support of the Guardian Accountability and Senior Protection Act

Ms. McAleenan stated that this is one of the resolutions from the Conference of State Court Administrators (COSCA) that was previously reviewed by the BJA. The legislation was introduced in Congress and so far it only has one signature. The action the BJA could take is to write a letter to Washington's congressional delegation. The resolution was revised from the original COSCA resolution to make it relate to BJA. There was no motion to adopt this resolution.

Resolution Urging Congress to Respect the Separation of Powers and Principles of Federalism with Regard to Enacting Legislation to Address Child Custody

Mr. Hall stated that this resolution is really about federalism. The question is whether the BJA wants to actively engage Congress on federalism. Mr. Hall suggested that this is not a field the BJA wants to engage in with Congress. The reality is that Congress is going to pass each piece of legislation based on the policy issue, not for federalism. He thinks it should be left to CCJ/COSCA to make the federalism point. There was no motion to adopt the resolution.

Washington State Medal of Valor Nomination

The SCJA has concerns about sending a letter of support regarding the Medal of Valor nomination. Judge Matheson stated that it is not that the SCJA does not support the nomination, they just do not want to write a letter of support if superior court judges will hear the case. They are deferring on it.

It was moved by Judge Garrow and seconded by Judge Fleck to have the BJA send a letter supporting the nomination of Judge David Edwards for the Medal of Valor. After discussion the motion was withdrawn.

Judge Derr said she will ask the DMCJA to consider writing a letter of support and Ms. Chester will do the same with the Clerks. Mr. Hall also said he could write a letter of support if needed.

Interpreter Resolution

The interpreter resolution was not yet ready for discussion.

Problem-Solving Courts Workgroup Charter

Ms. McAleenan reported that during the legislative session there were several bills regarding problem-solving courts. As a result, there are several different ways to authorize these types of problem-solving courts in statute. The BJA did not take a position on any of the specific bills but preferred to take a more holistic look at the authorizing legislation and rules for problem-solving courts. The Legislature has already enacted several statutes regarding problem-solving courts and will probably consider others in the future. Does the BJA want a say in how it is done? Should there be a general statutory framework and, if so, should the BJA draft it?

A Problem-Solving Courts Authorizing Legislation Workgroup Charter was included in the meeting materials. The meeting schedule most likely needs to be revised because it will be difficult to have the first meeting in June.

It was suggested that there be four judicial officers on the workgroup—two from the SCJA and two from the DMCJA. Also, the SCJA and DMCJA both have problem-solving courts groups working on best practices. Maybe the best practices should come from the trial courts that are dealing with these issues.

**It was moved and seconded to approve the charter with the following revisions:
1) strike the third bullet in the charge and everything following it in the charge,
and 2) revise the workgroup membership to include two superior court judges and
two courts of limited jurisdiction judges. The motion carried.**

The group will give an update to the BJA at the July or August BJA meeting.

BJA Special Meeting Minutes

**It was moved by Justice Owens and seconded by Judge Ringus to approve the
BJA special meeting minutes from June 15, 2012. The motion carried.**

Timeliness of Dependency Case Processing in Washington

Dr. McCurley reported that the Legislature mandated that the Administrative Office of the Courts (AOC) report on the timeliness of dependency case processing in Washington but they did not specify what should be included in the report. Ms. Skreen helped develop the standards that are measured.

The report is online and has been produced through the use of federal funding because the Legislature did not provide funding for the report. The Washington State Center for Court

Research (WSCCR) at AOC received Court Improvement Project (CIP) funding from the federal government and was able to hire Mr. Orme to produce the report.

Courts use the information in the report to improve their dependency case processing. Mr. Orme has a great deal of experience in performance reporting and the report's utility continues to improve each year. Working with the judges, court administrators, and family court coordinators has resulted in revision of the performance indicators. The court numbers are updated monthly and the Children's Administration numbers updated quarterly.

Mr. Orme walked the BJA through the online report, which includes information for individual courts indicating the median time it took to get through all the different types of cases. Courts are able to access the information online and can address issues throughout the year before the report is published.

Ms. Liebsack has worked for Snohomish County for about five years. When she first started working there the timeliness reports did not seem to give them very helpful information. They are now able to use the data to figure out how to improve their timeliness.

Courts are able to use the online dashboard to compare Family and Juvenile Court Improvement Program (FJCIP) counties to the other counties in the state. They can also compare up to five counties. That information is located in the fact-finding section.

Chief Justice Madsen thanked everyone for the great work they have done with this project.

Reporting on Racial Disproportionality

Dr. McCurley gave a state level view of juvenile court disproportionality. The work was done by the WSCCR for the Race and Criminal Justice Task Force. The rate of specific events such as arrest, referral to juvenile court, cases diverted, adjudicated cases, etc. for different racial groups was calculated and if the result is a number over one it means that the event is more likely to occur for that group.

There are high levels of disproportionality in referring juveniles to adult courts and prosecutors would like this information broken down to get more details. One way of looking at this is that the courts are generally doing a good job and most of the disparity comes earlier through law enforcement and prosecution. It is helpful to look at the issue on a community basis and to work to reduce the disproportionality.

There have been some online trainings for courts to teach them about the baselines and the WSCCR will make the offer to have individual meetings with courts or through the Superior Court Judges' Association (SCJA) to get these numbers in the hands of the people who own the original information.

The University of Washington will publish a report about racial disproportionality in October of this year.

Other Business

Rules: Chief Justice Madsen reported that the Supreme Court adopted APR 28, Limited Practice Rule for Limited License Technicians. The other order they signed yesterday was regarding indigent defense standards. They made the caseload standards “should,” not “shall,” and that portion of the rule will not take effect until September 1, 2013.

Interim State Court Administrator: The Supreme Court is close to having an interim State Court Administrator to fill in for three to six months. In addition to heading AOC, the interim will work with the Supreme Court to assist the search committee. The Supreme Court is committed to having wide input on the new State Court Administrator. So far, they have some good leads on people interested in the job.

Judicial Branch Efficiencies: Chief Justice Madsen said legislators asked what could be changed in legislation to make things easier and less expensive in the judicial branch. Chief Justice Madsen is soliciting ideas from the BJA members for things that could be done in statute (or eliminated) that will make the judicial branch more efficient. This could be on the July agenda.

Budget: The results of the budget priorities were distributed. Interpreter restoration was the highest priority followed by CLJ judges’ salaries, CASA restoration, interpreter services, expand interpreter program, video remote interpretation, FJCIP restoration, therapeutic court coordinator, and quality assurance consolidation.

It was moved by Judge Ringus and seconded by Judge Lambo to forward the BJA’s budget priorities to the Supreme Court. The motion carried.

Mr. Hall stated that as the proposing agency for the therapeutic court coordinator the Administrative Office of the Courts may decide not to send that request forward.

Judge Appelwick: Chief Justice Madsen thanked Judge Appelwick for his service to the BJA.

There being no for further business, the meeting was adjourned.

Recap of Motions from June 15, 2012 meeting

Motion Summary	Status
Approve the May 18, 2012 BJA meeting minutes with the following revision at the top of page 4: “The TCOFC prioritized in the following order:”	Passed
Recommend that the budget priorities be in the same order that the items appear in the materials but only to recommend the following items to the Supreme Court: #1 interpreter restoration, #2 CASA restoration, #3 FJCIP restoration, and #4 video remote interpretation.	Motion Withdrawn
Prioritize the funding requests and look at the results later in the meeting.	Passed with Judge Appelwick opposed

Motion Summary	Status
Revise the Problem Solving Courts Work Group charter to strike the third bullet, and everything thereafter, in the charge. Revise the membership to include two superior court judges and two courts of limited jurisdiction judges. Approve the charter as amended.	Passed
Approve the special meeting minutes from earlier during the June 15 meeting.	Passed
Forward the BJA's budget priorities to the Supreme Court	Passed

Action Items updated for June 15, 2012 meeting

Action Item	Status
<u>May 18 BJA Meeting Agenda</u> <ul style="list-style-type: none"> Revise the minutes as requested during the meeting Post the minutes online Send revised minutes to Supreme Court for inclusion in the En Banc meeting materials 	Done Done Done
<u>Medal of Valor Nomination</u> <ul style="list-style-type: none"> Judge Derr will check with the DMCJA to find out if they will write a letter of support Jeff Hall will write a letter of support The County Clerks will consider writing a letter of support 	In progress Decided not to do In progress
<u>Problem Solving Courts Work Group Charter</u> <ul style="list-style-type: none"> Revise the Problem Solving Courts Work Group charter to strike the third bullet, and everything thereafter, in the charge. Revise the membership to include two superior court judges and two courts of limited jurisdiction judges Charter was approved – move forward with work group 	Done
<u>Special BJA Meeting Minutes</u> <ul style="list-style-type: none"> Get correct signatories on the BJA account 	Done
<u>Funding Priorities</u> <ul style="list-style-type: none"> Notify Supreme Court of BJA funding priorities 	Done

Plain Language Court Forms

Judge Laura Gene Middaugh
Charles Dyer
Janet Skreen

On Behalf of the Washington State Access to Justice Board



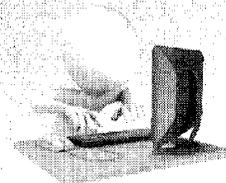
PURPOSE

All Statewide Domestic Relations Forms Translated to
"Plain Language"

Goals:

Enhance the understandability and usability of the forms by
non-attorneys (or uninformed attorneys).

Retain flexibility for practitioners.



TOPICS TO BE ADDRESSED

1. History of the Project

2. Plain Language

3. Challenges

History

Integrated Pro Se Assistance Services Plan developed

2009 ATJ Board created the Pro Se Project

**One component to provide pattern forms for litigants in
"plain language"**

Forms Translation Process

**Company called Transcend has been contracted with
to translate the forms.**

NJP Family Law Attorney reviews each form.

**Form is then reviewed by a sub-group comprised of
judicial officers, practicing attorneys, the Clerk's
Office, DCS and facilitators.**

Project Status

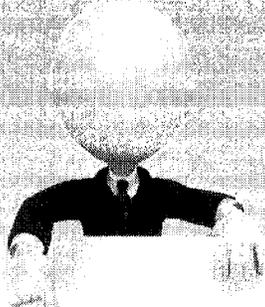
All 9 Supreme Court Justices Support the project.

**Rally Committee giving presentations to local
judiciaries, bar associations, clerk's office,
domestic violence advocates, etc.**

**Work groups are meeting weekly and reviewing the
translated forms.**

Projection for comment and implementation 2013.

Plain Language



Use short, simple sentences.

Use common words with well-understood meanings.

Use bullets for lists.

Use check-off boxes for lists of choices.

Use short, simple sentences

9. Family home

Does not apply.

Move out

Order my spouse/domestic partner to move out of the family home by *(date)*: _____.

Stay in the home

I will continue to live in the family home.

My spouse/domestic partner will continue to live in the family home.

Request for Temporary Order
Page 2 of Handout One



Create headings to distinguish different parts

Immediate Restraining Order and Hearing Notice

In the Marriage Domestic partnership of:

Petitioner:
(person who started this case) first _____ middle _____ last _____

Respondent:
(other spouse/domestic partner) first _____ middle _____ last _____

Superior Court of Washington

County: _____

Case No.: _____

Clerk's action required (TPROTSC/ORTSC)

Notify law enforcement

1. This Order restrains *(verb)* _____

Warning: violation of this Order with actual notice of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest (RCW 26.09.050). This Order is valid in all 50 U.S. states, the District of Columbia, and U.S. territories and tribal lands (18 U.S.C. § 2265).

2. This Order protects *(noun)* _____

3. This Order protects the following children, who are under 18: None

Child's name		Age	
1		3	
2		4	

4. Hearing notice -- The court will consider the requests made by the protected person at a court hearing on _____ (date) _____ at (time) _____ a.m. p.m.

In (Court, Room/Dept.) _____

Immediate Restraining Order
Page 1 of Handout Two

Number the steps on a form

Immediate Restraining Order and Hearing Notice

In re the Marriage Domestic partnership of:

Petitioner:
(person who started this case) first: _____ middle: _____ last: _____

Respondent:
(other spouse/domestic partner) first: _____ middle: _____ last: _____

Superior Court of Washington

County: _____

Case No.: _____

Clerk's action required (TPROTSC/ORTSC)

Notify law enforcement

1. This Order restrains (name): _____
Warning: Violation of this Order with actual notice of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest (RCW 26.09.060). This Order is valid in all 50 U.S. states, the District of Columbia, and U.S. territories and tribal lands (18 U.S.C. § 2265).
2. This Order protects (name/s): _____
3. This Order protects the following children, who are under 18: None

	Child's name	Age	Child's name	Age
1.		3		
2.		4		

4. **Hearing notice** -- The court will consider the requests made by the protected person at a court hearing on: _____ at (time) _____ a.m. p.m.
(date) _____ (Court, Room/Dept.) _____

Immediate Restraining Order
Page 1 of Handout Two

Use graphics when appropriate

Immediate Restraining Order and Hearing Notice

In re the Marriage Domestic partnership of:

Petitioner:
(person who started this case) first: _____ middle: _____ last: _____

Respondent:
(other spouse/domestic partner) first: _____ middle: _____ last: _____

Superior Court of Washington

County: _____

Case No.: _____

Clerk's action required (TPROTSC/ORTSC)

Notify law enforcement

1. This Order restrains (name): _____
Warning: Violation of this Order with actual notice of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest (RCW 26.09.060). This Order is valid in all 50 U.S. states, the District of Columbia, and U.S. territories and tribal lands (18 U.S.C. § 2265).
2. This Order protects (name/s): _____
3. This Order protects the following children, who are under 18: None

	Child's name	Age	Child's name	Age
1.		3		
2.		4		

4. **Hearing notice** -- The court will consider the requests made by the protected person at a court hearing on: _____ at (time) _____ a.m. p.m.
(date) _____ (Court, Room/Dept.) _____

Immediate Restraining Order
Page 1 of Handout Two

Challenges: Words vs. Concepts Facts vs. Law



Exactitude sometimes gets in the way of clarity.

Legal terms have a known precise meaning for an attorney that is lost on non-attorneys.

Forms are designed to present facts, not sophisticated legal arguments.

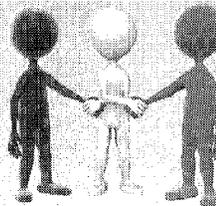
Orders must convey required statutory language and must pass muster on appeal.

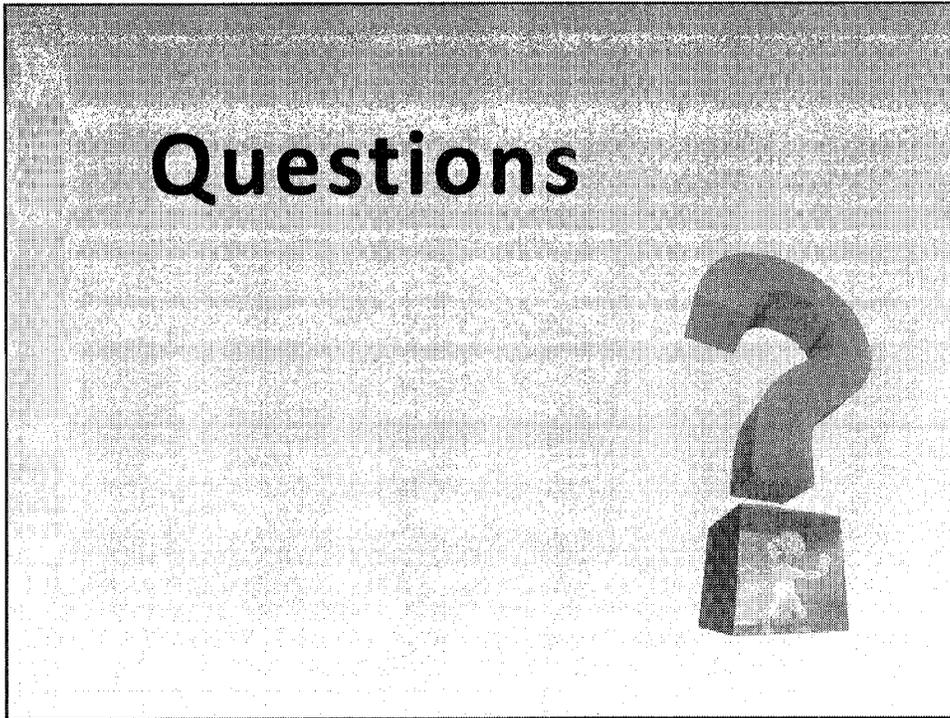
Challenge is to balance these with the language
that comes directly from the statutes

Acceptance

**36 states have instituted some form of plain
language forms**

None have been tested by litigation





The space above is for court use only.

Request for Immediate Restraining Order

In re the Marriage
 Domestic partnership of:

Superior Court of Washington	
County:	_____
Case No.:	_____
(MTSC)	

Petitioner: _____
(person who started this case) first middle last

Respondent: _____
(other spouse/domestic partner) first middle last

1. Who is filing these papers to ask the court for protection from his or her spouse/domestic partner? *(Check one):* Petitioner Respondent

2. The person asking for immediate protection must read and fill out below:

I ask the court to make an *Immediate Restraining Order* to protect me and/or my children. Without this Order, my children or I could be hurt or suffer damage or loss. This harm could be irreparable. *(Explain how you or your children could be harmed beyond repair):*

If you need additional space use the *Declaration* form DRPSCU 1-100.

I did not notify the other side that I am asking for an *Immediate Restraining Order* because my children or I could be irreparably harmed.

I have notified the other side that I am asking for an *Immediate Restraining Order*. *(Describe anything you did to give your spouse/domestic partner or his or her lawyer notice of this Request):*

3. Court hearing request

I ask the court to make an *Immediate Restraining Order* now, and hold a hearing later to consider all of my requests. I will notify my spouse/domestic partner about the hearing so the court can hear his/her side.

If approved, the *Immediate Restraining Order* will last for **14 days or until the hearing**, whichever is sooner.

I ask the court to make the *Immediate Restraining Order* last longer than 14 days because (*specify reason, for example if a court hearing cannot be held within 14 days, or if you will need more time to serve the other side*):

4. Children

Does not apply.

Fill out below if you want your child(ren) under 18 to be included in this order:

Child's name	Age	Child's name	Age
1.		4.	
2.		5.	
3.		6.	

➤ ***I ask the court to make these orders immediately (check all that apply):***

5. Do not disturb

Does not apply.

Order my spouse/domestic partner not to disturb my peace or the peace of any child listed in **4**.

6. Stay away

Does not apply.

Order my spouse/domestic partner:

Not knowingly to go or stay within _____ feet of my home, workplace, or school, or the daycare or school of any child listed in **4**.

To stay away from my home, workplace, or school, and the daycare or school of any child listed in **4**.

My spouse/domestic partner and I live together. do not live together.

7. Do not hurt or threaten

- Does not apply.
- Order my spouse/domestic partner not to harass, assault, molest, or stalk me or any child listed in **4**. (If the court orders this, federal law says the restrained person **must not** possess or control firearms or ammunition until this Order ends (18 U.S.C. § 925(a)(1)). **Exception:** Law enforcement officers and military personnel may carry government-issued firearms.)

8. Turn in weapons

- Does not apply.
- Order my spouse/domestic partner **not** to possess or control any firearms or dangerous weapons until the Order ends. Also order my spouse/domestic partner to turn in any firearms or dangerous weapons that he/she possesses or controls to (*check one*):
 - the sheriff in this county. his/her lawyer.
 - a court-approved person (*name*): _____.

If you checked this box, you must list your reasons here: _____

9. Protect children

- Does not apply.
 - Order my spouse/domestic partner not to take the children listed in **4** out of Washington State.
 - Until the hearing, the children in **4** will live with me my spouse/domestic partner.
 - Other: _____
- _____

10. Protect property

- Does not apply.
- Order my spouse/domestic partner not to move, take, hide, damage, borrow against, sell or try to sell, or get rid of any property, unless it is a usual business practice or to pay for basic necessities. (If the court makes this order, both spouses/domestic partners must notify each other about any expenses that are out of the ordinary.)

11. Do not change insurance

- Does not apply.
- Order my spouse/domestic partner not to make changes to any medical, health, life, or auto insurance policy that covers either spouse/domestic partner or any child listed in **4**. That means s/he must not transfer, cancel, borrow against, let expire, or change the beneficiary of any policy.

12. Other immediate orders you need

- Does not apply.
- (Specify): _____

➤ ***I ask the court to make these orders at the hearing (check all that apply):***

13. Extend immediate orders

- Does not apply.
- Extend the immediate orders I asked for above to stay in effect until the case is done.

14. Care for children

- Does not apply.
- Approve the parenting plan proposed by me my spouse/domestic partner.
- Order my spouse/domestic partner not to take the children listed in **4** out of Washington State.
- Appoint a person to investigate and report to the court about what is in the children's best interest. This person is called a Guardian ad Litem (GAL).
- Other: _____

15. Provide support

- Does not apply.
- Order my spouse/domestic partner to:
 - Pay me spousal support. Amount: \$ _____ How often? _____
For how long? _____
 - Pay child support according to Washington state child support guidelines.

16. Family home

- Does not apply.
- Move out**
Order my spouse/domestic partner to move out of the family home by (date): _____.
- Stay in the home**
 - I will continue to live in the family home.
 - My spouse/domestic partner will continue to live in the family home.

17. Use of property

- Does not apply.
- Order that I can possess and use (*specify*):
 - property in my possession now.
 - vehicle(s): _____
 - other: _____

- Order that my spouse/domestic partner can possess and use (*specify*):
 - property in his/her possession now.
 - vehicle(s): _____
 - other _____

18. Protect property

- Does not apply.
- Order my spouse/domestic partner not to move, take, hide, damage, borrow against, sell or try to sell, or get rid of any property, unless it is a usual business practice or to pay for basic necessities. (If the court makes this order, both spouses/domestic partners must notify each other about any expenses that are out of the ordinary.)

19. Household expenses

- Does not apply.
- Order household expenses to be paid as follows:

Expense	Who Pays
<input type="checkbox"/> First Mortgage	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Second Mortgage/Line of Credit	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Rent or lease payment	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Utilities	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Homeowner's Insurance	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Property Taxes	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Vehicle (<i>specify</i>):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Vehicle (<i>specify</i>):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Child Care	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Other:	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

20. Divide debts

- Does not apply.
- Order my spouse/domestic partner and me to:
 - Each be responsible for his/her own future debts, including debt from credit cards, loans, security interest, and mortgages.
 - Divide our debts as follows (*list debts and who will pay each one*):

Debt (<i>describe</i>)	Who Pays
1.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
2.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
3.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
4.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
5.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
6.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

21. Pay for insurance

- Does not apply.
- Pay insurance premiums as follows (*list policies and who will pay each one*):

Policy (<i>describe</i>)	Who Pays
1.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
2.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
3.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

22. Pay lawyer's fees and court costs

- Does not apply.
 - Order my spouse/domestic partner to:
 - Pay lawyer fees for this case. *Amount:* \$ _____
 - Pay other professional fees and costs for this case. *Amount:* \$ _____
- to (*name*): _____ for (*purpose*): _____

23. Other orders you want

- Does not apply.
 - (*Specify*): _____
- _____
- _____

The space above is for court use only

<h2 style="margin: 0;">Immediate Restraining Order and Hearing Notice</h2> <p>In re the <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic partnership of:</p> <p>Petitioner: _____ <small>(person who started this case) first middle last</small></p> <p>Respondent: _____ <small>(other spouse/domestic partner) first middle last</small></p>	<div style="text-align: center;">Superior Court of Washington</div> <p>County: _____</p> <p>Case No.: _____</p> <p><input type="checkbox"/> Clerk's action required (TPROTSC / ORTSC)</p> <p><input type="checkbox"/> Notify law enforcement</p>
---	---

1. This Order restrains (name): _____



Warning! Violation of this Order with actual notice of its terms is a **criminal offense** under Chapter 26.50 RCW and will subject the violator to arrest (RCW 26.09.060). This Order is valid in all 50 U.S. states, the District of Columbia, and U.S. territories and tribal lands (18 U.S.C. § 2265).

2. This Order protects (name/s): _____

3. This Order protects the following children, who are under 18: None.

Child's name	Age	Child's name	Age
1.		3.	
2.		4.	

4. **Hearing notice** -- The court will consider the requests made by the protected person at a court hearing on:



(date): _____ at (time): _____ a.m. p.m.

in (Court, Room/Dept.): _____

Warning! If you do not go to the hearing, the court may make orders against you without hearing your side. If you disagree with this order, follow the steps on page 3 of this form.

5. Findings

The court has reviewed the Petitioner's Respondent's *Request for Immediate Restraining Order* (form DR 04-150), supporting documents, and any other evidence considered on the record. The court finds that there is reason to make this *Immediate Restraining Order*.

The court also finds that the Petitioner Respondent lives in the state of Washington, but was not able to go to the hearing because s/he is an active-duty National Guard member or Reservist (or a dependent of one). A failure to act despite the absence of the service member will result in a manifest injustice to the other party.

➤ **Court Orders to the Restrained Person(s):**

Warning! You must obey this Order until it ends. If you know about this Order, but do not obey the orders in **6**, **7**, and **8** below, you may be arrested and charged with a crime.

6. Do not disturb

Does not apply.

The Petitioner Respondent must not disturb the peace of the other spouse/ domestic partner or of any child listed in **3**.

7. Stay away

Does not apply.

The Petitioner Respondent must not knowingly go or stay within _____ feet of the other spouse's/domestic partner's home, workplace, or school, or the daycare or school of any child listed in **3**.

The Petitioner Respondent must stay away from the other spouse's/ domestic partner's home, workplace, or school, and the daycare or school of any child listed in **3**.

8. Do not hurt or threaten

Does not apply.

The Petitioner Respondent must not harass, assault, molest, or stalk the other spouse/domestic partner or any child listed in **3**.

Warning! Federal law says the restrained person **must not** possess or control firearms or ammunition until this Order ends. *Exception:* Law enforcement officers and military personnel may carry government-issued firearms. (18 USC §§ 922(g)(8), 925(a)(1))

9. No guns or weapons

Does not apply.

The Petitioner Respondent must immediately turn in any firearm or dangerous weapon that s/he possesses or controls to (*name or agency*): _____
(RCW 9.41.800)

10. Protect children

- The Petitioner Respondent must not take the children out of Washington state.
- Until the hearing, the children listed in **3** will live with the Petitioner Respondent.
- Other: _____

11. Protect property

- Does not apply.
- The Petitioner Respondent must not move, take, hide, damage, borrow against, sell or try to sell, or get rid of any property, unless it is a usual business practice or to pay for basic needs. Both spouses/domestic partners must notify the other about any expenses that are out of the ordinary.

12. Do not change insurance

- Does not apply.
- The Petitioner Respondent must not make changes to any medical, health, life, property, or auto insurance policy that covers either spouse/domestic partner or any child named in **3**. That means s/he must not transfer, cancel, borrow against, let expire, or change the beneficiary of any policy.

13. Bond

- The Petitioner Respondent must file a bond or post security. Amount: \$ _____
- No bond or security is required.

14. Other Immediate Orders

- Does not apply.
- _____

To the person who asked for this Order:

1. Fill out a *Law Enforcement Information Sheet* (form All Cases 01-0400) and give it to the clerk.
2. You must have this Order served on your spouse/ domestic partner. After serving, the server fills out a *Return of Service* (All Cases 01-0250) and gives it to you.

Then:

- File the original *Return of Service* with the court clerk.
- Give a copy of the *Return of Service* to the law enforcement agency listed below.

To the restrained person:

If you do not agree with these orders, you must make a sworn, written statement that explains why the court should not approve the orders requested. Use a *Declaration* (form DRPSCU 01-0100) to make your statement. You may also provide other written proof that supports your side. Then:

1. File your papers with the court.
2. Give a copy of your papers to the judge/commissioner's staff.
3. Have a copy of your papers served on your spouse/domestic partner or his/her lawyer.

Deadline! Your papers must be filed *and* served before the hearing or by your county's deadline, whichever is earlier.

4. Go to the hearing. If you do not, the court will not hear your side and may make orders against you without notifying you.

If you have questions, talk to a lawyer or family law facilitator.

To the Clerk: Provide a copy of this order and the *Law Enforcement Information Sheet* to the agency listed below within 1 court day. The law enforcement agency must enter this order into the state's database.

Name of law enforcement agency: _____

The court approves this *Immediate Restraining Order*. This Order starts immediately and ends on (date) _____ or until the end of the hearing in **4, whichever is sooner.**

So Ordered.

 _____ Date Time
 Judge or Commissioner signs here

Person who asked for this Order or his/her lawyer fills out below.

Print name of person who asked for this Order or name of lawyer & lawyer's WSBA #

 _____ Date
 Person who asked for this Order or his/her lawyer signs here

or physical problems, drug or alcohol problems, lack of emotional ties, abusive use of conflict, withholding of the child from the other parent, or other serious issues that may be harmful for the child.

These problems don't apply. (*Skip to 4. below.*)

These problems do apply. (*Fill out below.*)

Which parent has these problems? Petitioner Respondent

a. Reasons for limitations on that parent (*Check all that apply*):

Abandonment, abuse, domestic violence, or sex offense. If a parent has any of these problems, the court **must** limit that parent's contact with the child and decision-making. Describe the problems (*check all that apply*):

- That parent intentionally abandoned a child named listed in **2.** for an extended time.
- That parent substantially refused to perform his/her parenting duties for a child listed in **2.**
- That parent (or someone living in that parent's home) abused or threatened to abuse a child. The abuse was physical, sexual, or repeated emotional abuse.
- That parent (or someone living in his/her home) has a history of domestic violence as defined in RCW 26.50.010(1), or has assaulted someone causing serious physical harm or fear of such harm. (This includes sexual assault.)
- That parent has been convicted of a sex offense as an adult.
- Someone living in that parent's home has been convicted or adjudicated of a sex offense either as an adult or a juvenile.

Other serious problems that may harm the children's best interests. If a parent has any of these problems, the court **may** limit that parent's contact with the child and decision-making. Describe the problems (*check all that apply*):

That parent:

- Neglected his/her parental duties towards a child listed in **2.**
- Has a long-term emotional or physical problem that interferes with his/her ability to parent.
- Has a long-term problem with drugs, alcohol, or other substances that interferes with his/her ability to parent.
- Has few or no emotional ties with a child listed in **2.**
- Uses conflict in a way that endangers or damages the psychological development of a child listed in **2.**
- Has kept the other parent away from a child named in **2.** for a long time, without a good reason.
- Other (*specify*): _____

b. Limitations on that parent (check all that apply):

- No contact with children
- Limited contact (specify): _____

- Supervised contact. The supervisor shall be:
 - a professional supervisor (name): _____
to be paid by (name): _____
 - a non-professional supervisor (name): _____
 - determined by the court.

The dates and times of supervised contact shall be:

- as shown in **6 - 9** below as arranged by the supervisor
- as follows (specify): _____

- Contact is conditioned on starting and staying in treatment or completion of treatment as follows: _____

- Other limitations (specify): _____

- No limitations (explain why there are no limitations despite the problems checked above): _____

4. Decision-Making – Who can make decisions about the children?

When the children are with you, you are responsible for them. You can make day-to-day decisions for the children when they are with you, including decisions about safety and emergency health care.

a. Major decisions. Who makes important decisions affecting the children about:

- | | | | |
|-----------------------------------|-------------------------------------|-------------------------------------|--------------------------------|
| School / Educational | <input type="checkbox"/> Petitioner | <input type="checkbox"/> Respondent | <input type="checkbox"/> Joint |
| Health care (not emergency) | <input type="checkbox"/> Petitioner | <input type="checkbox"/> Respondent | <input type="checkbox"/> Joint |
| Religion and religious activities | <input type="checkbox"/> Petitioner | <input type="checkbox"/> Respondent | <input type="checkbox"/> Joint |
| Other (specify): _____ | <input type="checkbox"/> Petitioner | <input type="checkbox"/> Respondent | <input type="checkbox"/> Joint |
| Other (specify): _____ | <input type="checkbox"/> Petitioner | <input type="checkbox"/> Respondent | <input type="checkbox"/> Joint |

b. Reasons for limits on decision-making, if any.

- There are no limits on decision-making.
- The reason only one parent should make major decisions is
(check all that apply):
 - One of the parents has serious problems as described in **3.a.** above.
 - Both parents are against shared decision-making.
 - One of the parents does not want to share decision-making because the other parent:
 - has serious problems as described in **3.b.** above,
 - has not shared in decision-making in the past,
 - has not shown he/she can cooperate with decision-making, or
 - lives far away, making it hard to make decisions together.

5. If you and the other parent disagree

From time to time, the parents may have disagreements about shared decisions or about what parts of this parenting plan mean.

a. To solve disagreements, the parents will go to (check one):

- Mediation (*mediator or agency name*): _____
If there are domestic violence issues, you may only use mediation if the victim asks for mediation, mediation is a good fit for the situation, and the victim can bring a support person to mediation.
- Arbitration (*arbiter or agency name*): _____
- Counseling (*counselor or agency name*): _____
- Court (without **first** having to go to mediation, arbitration, or counseling). (*If you check this box, skip b. and go to 6.*)

b. If mediation, arbitration, or counseling is required, one parent must notify the other parent by (check one): certified mail other (*specify*): _____

The parents will pay for the mediation, arbitration, or counseling services as follows
(check one):

- Petitioner will pay _____ %, Respondent will pay _____ %.
- Based on the parents' relative income listed on line 6 of the *Child Support Worksheet*.
- The mediator, arbiter, or counselor will decide.

What to expect at mediation, arbitration, or counseling

- Unless there is an emergency, you must use the service checked in **a.** before going to court.
- If your disagreement is about money or support, you may go straight to court without first using the service checked in **a.**
- If you do not cooperate at mediation, arbitration, or counseling without a good reason, the court can fine you and order you to pay the other parent's legal fees or other costs.

- If you reach an agreement, it must be put into writing and both parents must get a copy.
- In mediation, arbitration, or counseling, preference shall be given to carrying out, and not changing, the parenting plan.
- If mediation, arbitration, or counseling doesn't solve the disagreement, you may go back to court. You can ask the court to clarify or change the parenting plan, or bring the other parent to court for not following the plan (called *Contempt*).



Parenting Schedules

Check here if the parenting schedules do not apply because one parent has **no** parenting time with the children **except** as stated in **3**. (Skip to **11**.)

6. School Schedules

a. Children under School-Age

- Does not apply. All children are school age.
- The schedule for children under school-age is the same as for school-age children.
- Children under school-age will live with the (*check one*): Petitioner Respondent except when they are scheduled to be with the other parent.

The other parent's parenting schedule is (*check all that apply*):

- WEEKENDS: every week every other week other (*specify*): _____
 from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.
 from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.
- WEEKDAYS: every week every other week other (*specify*): _____
 from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.
 from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.
- OTHER (*specify*): _____

b. School-Age Children

This schedule will apply when (*check one*): the youngest child the oldest child
 each child begins:

(*check one*): Kindergarten 1st grade Other: _____

The children will live with the (*check one*): Petitioner Respondent except when they are scheduled to be with the other parent.

The other parent's parenting schedule is (*check all that apply*):

- WEEKENDS: every week every other week other (*specify*): _____
 from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

WEEKDAYS: every week every other week other (specify): _____

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

OTHER (specify): _____

7. Summer Schedule

The Summer Schedule is the same as the School Schedules. (Skip to **8.**)

The Summer Schedule will not apply until the summer before:

(check one): the youngest child the oldest child each child begins

(check one): Kindergarten 1st grade Other: _____

The Summer Schedule is the same as the School Schedules except that each parent shall spend _____ weeks of uninterrupted vacation time with the children each summer. The parents shall confirm their vacation schedules in writing by the end of (date) _____ each year. (Skip to **8.**)

The Summer Schedule is different from the School Schedules. During the summer the children will live with the (check one): Petitioner Respondent except when they are with the other parent.

The other parent's parenting schedule is (check all that apply):

WEEKENDS: every week every other week other (specify): _____

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

WEEKDAYS: every week every other week other (specify): _____

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

OTHER (specify): _____

8. Holiday Schedule (includes school breaks)

The Holiday Schedule is the same as the School Schedules in **6.** for all holidays and school breaks. (Skip to **9.**)

This is the Holiday Schedule for all children school-age children only:

Holiday	Petitioner	Respondent
Martin Luther King Jr. Day	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Other Plan: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
Presidents' Day	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Other Plan: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
Mid-winter Break	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> 1 st half of school Mid-winter Break <input type="checkbox"/> Other Plan: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> 2 nd half of school Mid-winter Break
Spring Break	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> 1 st half of school Spring Break <input type="checkbox"/> Other Plan: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> 2 nd half of school Spring Break
Easter / Passover / Ramadan	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Other Plan: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
Mother's Day	<input type="checkbox"/> Children shall spend every Mother's Day with Mother from 9 a.m. to 6 p.m. <input type="checkbox"/> Other Plan: _____	
Memorial Day Weekend	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Other Plan: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
Father's Day	<input type="checkbox"/> Children shall spend every Father's Day with Father from 9 a.m. to 6 p.m. <input type="checkbox"/> Other Plan: _____	

Holiday	Petitioner	Respondent
Fourth of July	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Follow the Summer Schedule in 7. <input type="checkbox"/> Other Plan: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
Labor Day Weekend	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Other Plan: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
Thanksgiving Day/Break	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Other Plan: _____ _____ _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
Winter Break	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Other Plan: _____ _____ _____ _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
Christmas	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> Follow the Winter Break schedule above. <input type="checkbox"/> Other Plan: _____ _____ _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.

Holiday	Petitioner	Respondent
New Year's Eve/ New Year's Day (odd/even is based on New Year's Day)	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
	<input type="checkbox"/> Follow the Winter Break schedule above. <input type="checkbox"/> Other Plan: _____	
Children's Birthdays	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
	<input type="checkbox"/> Other Plan: _____	
All three-day weekends not listed elsewhere	(Federal holidays, school in-service days, etc.) <input type="checkbox"/> The children shall spend any unspecified holiday or non-school day with the parent who has them for the attached weekend.	
	<input type="checkbox"/> Other Plan: _____	
Other holiday important to the family: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
	<input type="checkbox"/> Other Plan: _____	

9. Conflicts in Scheduling

Sometimes holiday time may conflict with time set aside for the other parent. When this happens, the holiday time shall be observed over all other schedules. If there are conflicts within the Holiday Schedule (*check all that apply*):

- Named holidays shall be followed before school breaks.
- Child's birthdays shall be followed before named holidays and school breaks.
- Other (*specify*): _____

10. Transportation Arrangements (*check one*):

- When one parent's parenting time ends, the **other parent** will pick up the children at (*specify location*): _____

- When one parent's parenting time ends, **that same parent** will take the children to the other parent at (*specify location*): _____.
- Other (*specify*): _____
- _____
- _____
- _____

11. Custodian

Washington law generally refers to parenting time and decision-making, rather than custody. However, some state and federal laws require that one parent be named the custodian. The custodian is the parent with whom the children spend more of their time. Both parents have parenting rights and responsibilities as described in this document, even though one parent is called the custodian.

Who is the custodian? (*check one*): Petitioner Respondent

12. Moving with the Children

(*This is a summary of the law. The complete law is in RCW 26.09.430 through 26.09.480.*)

If the custodian plans to move, s/he **must notify** every person who has court-ordered time with the children.

NOTICE

Move to a *Different* School District

If the move is to a different school district, the custodian must give written notice at least **60 days** before the intended move. The notice can be delivered by having someone personally serve the other party or by any form of mail that requires a return receipt. The notice must contain the information required by law. Use the form *Notice of Intended Relocation of Children* (form DRPSCU 07.0500).

Exceptions:

- If the custodian could not reasonably have known all the information about the move in time to give 60 days' notice, the custodian must give notice within **5 days** after learning the information.
- If the custodian is relocating to a domestic violence shelter or moving to avoid a clear, immediate and unreasonable risk to health or safety, notice may be delayed 21 days.
- If information is protected under a court order or the address confidentiality program, it may be withheld from the notice.
- A custodian who believes that giving notice would put her/himself or the child at unreasonable risk of harm, may ask the court permission to leave things out of the notice or to be allowed to move without giving notice. This request may be made without giving the other party notice.

Move within the *Same* School District

If the move is within the *same* school district, the custodian still has to let the other parent know. However, the notice does not have to be served personally or by mail with a return receipt. Notice to the other party can be made in any reasonable way.

Failure to give notice

A custodian who does not give the required notice may be found in contempt of court. If that happens the court can impose sanctions. Sanctions can include requiring the custodian to bring the child back if the move has already happened, and ordering the custodian to pay the other side's costs and attorney's fees.

RIGHT TO OBJECT

Important! A person who has court-ordered time with the child can object to a move to a different school district and/or to the custodian's proposed changes to the parenting plan. If the move is within the same school district, the other party doesn't have the right to object to the move, but s/he may ask for a change in the parenting plan under the modification law (RCW 26.09.260).

An objection is made by filing the *Objection to Relocation/Petition for Modification of Custody Decree/Parenting Plan/Residential Schedule* (form DRPSCU 07.0700) with the court and serving a copy on the custodian and any other people who have court-ordered time with the child. Service of the *Objection* must be by personal service or by mailing a copy to each person by any form of mail that requires a return receipt. The objection must be filed and served no later than **30 days** after the notice of relocation was received.

RIGHT TO MOVE

During the 30 days after the notice was served, the custodian may not move to a different school district with the child unless s/he has obtained a court order allowing the move.

After the 30 days, the custodian may move with the child even if an objection has been filed **unless**:

- The other party gets a court order saying the custodian cannot move, or
- The other party has scheduled a hearing to take place no more than 15 days after the date the objection was served on the custodian. However, the custodian may ask the court for an order allowing the move even though a motion is pending if the custodian believes that s/he or the child is at unreasonable risk of harm. This request may be made without giving notice to the other party.

If no objection is filed and served within 30 days after the notice was served, the custodian may move with the child.

13. Other Parenting Orders

14. Proposal

- Does not apply. This is a court order.
- This is a **proposed** parenting plan. (*The person proposing the plan must read and sign below.*)

I declare under penalty of perjury under the laws of the state of Washington that this plan was proposed in good faith and that the information in part **3**. is true.

Parent proposing plan signs here

Signed at (city and date)

15. Court Order

- Does not apply. This is a proposal.
- The Court shall complete the box below:

This box for Court use only.
Parties do not fill out anything in this box.

a. Findings of Fact
Based on the pleadings or evidence considered:

- The Court adopts the findings about limitations set out in paragraph **3**.
- The Court makes additional findings which are:
 - contained in an order or findings of fact entered at the same time as this parenting plan.
 - attached as Exhibit A and incorporated into this parenting plan.
 - other: _____

b. Conclusions of Law

- This parenting plan is in the best interest of the children.
- Other: _____

c. Order

- The parties shall follow the terms of the parenting plan as set out above.

_____ _____
Judge or Commissioner signs here *Date*

If this is a court order, Petitioner and Respondent or their lawyers sign below.

This order (check all that apply):

- is an agreement of the parties.
- is presented by me.
- may be signed by the court without notice to me.

This order (check all that apply):

- is an agreement of the parties.
- is presented by me.
- may be signed by the court without notice to me.

▶ _____
Petitioner signs here or lawyer signs here + WSBA #

▶ _____
Respondent signs here or lawyer signs here + WSBA #

Print Name *Date*

Print Name *Date*

Warning to Parents! If this order is signed by the court, you **must** obey it. Violation of residential provisions of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under RCW 9A.40.060(2) or 9A.40.070(2). Violation of this order may subject a violator to arrest.

The Supreme Court

State of Washington

BARBARA A. MADSEN
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2037
FAX (360) 357-2085
E-MAIL J_B.MADSEN@COURTS.WA.GOV

January 5, 2012

Re: ATJ/AOC/WSBA Plain Forms Project

Dear Friends of Access to Justice:

The members of the Washington State Supreme Court encourage you to join an important collaborative project that will have a significant and positive impact on family law litigants. The Access to Justice Board, the Washington State Bar Association, and the Administrative Office of the Courts are working collaboratively to create "plain language" forms for family law cases.

Most individuals who come to family court are facing untold challenges and turmoil in their lives and the lives of their children. Many times the parties cannot resolve their disputes in a cooperative fashion and must rely on the courts to help them reach justice. Adding to these stresses, all family law parties—some with attorneys and most without—have a myriad of paperwork to read and understand. Currently, the family law forms in use in Washington are often difficult to comprehend and complete because of legalistic and sometimes archaic language.

Plain language and more accessible formats allow parties to understand our forms and the legal concepts they convey easily and completely. Less confusion, greater clarity, better understanding, and achievement of personal and legal goals are just some of the benefits plain language forms offer. The benefits of plain language forms extend to attorneys and the courts as well.

The forms will undergo vigorous field testing to ensure they meet all legal requirements under statute and court rule. Protocols are being developed to make sure that the forms are not available for use until all testing and revisions have been done and to make

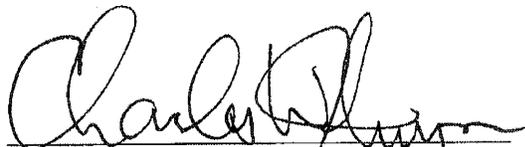
sure we have the smoothest transition possible as the new forms are put into use. Access to Justice partners, such as courthouse facilitators, pro bono legal programs, and dispute resolution centers, will help with both the testing and transition phases of this project.

Our Access to Justice partners will keep you informed as the plain language forms project proceeds. If you have suggestions, comments, or concerns, please share them with Ms. Merrie Gough, Senior Legal Analyst, at 360.357.2128 or at Merrie.Gough@courts.wa.gov, or with Ms. Janet Skreen, Senior Court Program Analyst at 360.705.5252 or at Janet.Skreen@courts.wa.gov, both with the Administrative Office of the Courts.

Sincerely,



Barbara A. Madsen
Chief Justice



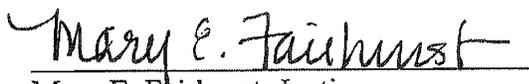
Charles W. Johnson, Assoc. Chief Justice



Tom Chambers, Justice



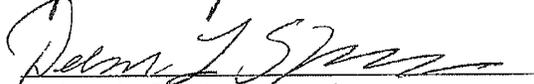
Susan Owens, Justice



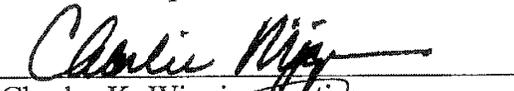
Mary E. Fairhurst, Justice



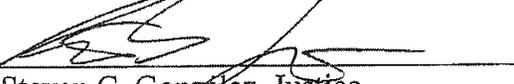
James M. Johnson, Justice



Debra A. Stephens, Justice



Charles K. Wiggins, Justice



Steven C. Gonzalez, Justice

Resolution Request Cover Sheet

Resolution Regarding Language Access Services in Court Submitted By:

-
- 1) Names of Proponent(s): Interpreter Commission
 - 2) Spokesperson(s): Justice Susan Owens and Justice Steven González
 - 3) Purpose

This Resolution seeks to create greater access to courts for limited-English proficient (LEP) individuals by promoting the value of utilizing court interpreters in all case types, ~~and providing interpreters at court public expense, and seeking financial support from the State to offset the financial burden at the local level.~~ According to 2010 U.S. Census Bureau data from the 2010 American Community Survey, 8.1 percent of Washington's population are LEP. Washington State ranks among the top ten states with the highest growth in LEP population between 1990 and 2010, with a 209.7 percent increase. (Migration Policy Institute, LEP Data Brief, December, 2011).

Access to courts for LEP litigants and the court's ability to communicate effectively with LEP persons depends upon the provision of competent interpreter services. However, under the current RCW (2.43.040), non-indigent LEP litigants in some civil matters are required to pay for interpreter services, or proceed without such services. Language barriers thus create impediments to access to justice for individuals who are limited-English proficient. To appoint an interpreter but to hold the litigant liable to pay for those services may deter many who need an interpreter from accessing court services. As identified in RCW 2.43.040, both the State and the courts should share the responsibility for ensuring that all individuals, regardless of language ability, have the same opportunity to effectively access and utilize court services.

Washington State has long recognized the need for interpreter services to allow access to courts for LEP persons. The legislative intent behind the adoption of RCW 2.43 was to establish the policy of the State of Washington "to secure the rights, constitutional or otherwise, of persons who, because of a non-English-speaking cultural background, are unable to readily understand or communicate in the English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them." RCW 2.43.010. As written, RCW 2.43.040 requires non-indigent litigants in some civil legal proceedings to pay for interpreter services. But an increasing number of courts in Washington provide and pay for interpreter services in all civil matters.

The provision of free and qualified interpreter services in all legal proceedings promotes the Principal Policy Objectives of the State Judicial Branch regarding fair and effective administration of justice in all civil and criminal cases, and accessibility to Washington courts. Furthermore, this Resolution is consistent with the prior Resolution adopted by the Board of

Judicial Administration to, among other things, “remove impediments to access to the justice system, including physical and language barriers, rules and procedures, disparate treatment and other differences that may serve as barriers.” (Board of Judicial Administration, Civil Equal Justice).

4) Desired Result

1) The BJA should endorse the provision of interpreter services, at court expense, in all legal proceedings, both criminal and civil;

2) The Legislative and Executive branches of government should provide additional funding per RCW 2.43.040 to offset the increased cost to trial courts; and

3) Pursuant to the prior Resolution on Civil Equal Justice, the BJA should re-commit to work to remove similar language – related impediments to access to the justice system for limited English proficient litigants.

5) Expedited Consideration: Expedited consideration is not being requested.

6) Supporting Materials:

a. Proposed Resolution

Proposed Resolution

BJA Resolution Regarding Language Access Services In Court

Whereas, equal access to courts is fundamental to the American system of government under law; and

Whereas, language barriers can create impediments to access to justice for individuals who are limited-English proficient; and

Whereas, it is the policy of the State of Washington “to secure the rights, constitutional or otherwise, of persons who, because of a non-English-speaking cultural background, are unable to readily understand or communicate in the English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.” RCW 2.43.010 (Interpreters for non-English speaking persons); and

Whereas, courts rely upon interpreters to be able to communicate with limited-English proficient litigants, witnesses and victims in all case types; and

Whereas, the State has previously acknowledged a responsibility to share equally with local government in the costs incurred in paying for quality court interpreting services; and

Whereas, the Board for Judicial Administration recognizes the benefit that interpreting services provide to limited English proficient litigants and to the fact-finder in the efficient and effective administration of justice; and

Whereas, the Board for Judicial Administration previously adopted a Resolution to, among other things, “remove impediments to access to the justice system, including physical and language barriers, rules and procedures, disparate treatment and other differences that may serve as barriers.” (Board for Judicial Administration, Civil Equal Justice); and

Whereas, the provision of free and qualified interpreter services in all legal proceedings promotes the Principal Policy Objectives of the State Judicial Branch regarding fair and effective administration of justice in all civil and criminal cases, and accessibility to Washington courts;

Now, Therefore, Be it Resolved:

That the Board for Judicial Administration:

- 1) Endorses the provision of interpreter services, at public expense, in all legal proceedings, both criminal and civil;
- 2) Supports the elimination of language – related impediments to access to the justice system for limited English proficient litigants; and
- ~~3) Encourages the State to fulfill its commitment to share equally in the responsibility to provide adequate and stable funding for court interpreting services.~~
- ~~2) Commits to work to remove similar language – related impediments to access to the justice system for limited English proficient litigants.~~

Resolution Request Cover Sheet

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VII. Recommendations

The Recommendations below reflect the multi-dimensional approach necessary for the structural reform and philosophical shifts necessary for the reduction of over representation of minority youth in our juvenile justice system. Embracing change takes courage and so we invite the reader to wrestle with the Recommendations. Ask what they might mean for you and others, comment and offer critique. Regardless of whether you agree or disagree with the Recommendations, we ask that you join us in the dynamic work of making our juvenile justice system one that offers our youth *a way out* of our systems and on a path to success.

RECOMMENDATIONS FROM THE JUVENILE JUSTICE SUBCOMMITTEE OF THE TASK FORCE ON RACE AND THE CRIMINAL JUSTICE SYSTEM

WASHINGTON SUPREME COURT

1. Exercise leadership and encourage the judiciary at all levels to examine and address racial disparities in the juvenile and criminal justice systems. Judges should be encouraged to examine practices and policies within their courts to determine whether they contribute to such racial disparities. BJA
2. Direct the Office of the Administrator of the Courts and the Washington State Center for Court Research, in collaboration with the Washington Partnership Council for Juvenile Justice, trial courts and law enforcement to define, collect and annually publicize disaggregated data about youth by jurisdiction and race/ethnicity at the key juvenile/criminal justice decision points, including arrest, referral, diversion, filing, adjudication, disposition, disposition alternatives, secure confinement, prosecution of juveniles as adults, and recidivism. WSCR
3. Direct the Office of the Administrator of the Courts and the Washington State Center for Court Research, in collaboration with the trial courts, to establish a process for conducting annual reviews of data quality related to identification of race and ethnicity. WSCR
4. Create measures of accountability and steps for realizing those measures for ensuring that youth of color receive equitable treatment in the juvenile and adult criminal justice systems. WSCR
5. Task the Washington State Minority and Justice Commission with working collaboratively with the Washington State Partnership Council on Juvenile Justice and other interested stakeholders to undertake a new initiative that will focus on disparities for youth in the juvenile and criminal justice systems. The Commission should take concrete steps to address DMC through judicial education, community outreach, research, training, leadership and workforce diversity. The Commission COMM

should collaborate with community leaders, community-based and faith-based organizations, and youth and their families to create opportunities for engaging the community on identifying and developing solutions to reduce racial disparity in the juvenile justice system.

- Comm
+ WSBA
- Comm.
6. Task the Washington State Minority and Justice Commission with working collaboratively with the Washington State Bar Association and other interested stakeholders to review the Juvenile Court Rules for offender, dependency, truancy, At Risk Youth and Child In Need of Services proceedings to recommend new rules that will help to reduce racial disparities, enhance system coordination and efficiency, and improve long-term outcomes for youth.
 7. Review the policies and procedures for disseminating juvenile justice information through the Juvenile Information System (JIS) and modify provisions that allow erroneous, incomplete or outdated court information to be available to the public through the Internet or other means.

WASHINGTON STATE BAR ASSOCIATION

1. Provide training to bar leaders and attorneys to create awareness of disparities for youth in the juvenile and criminal justice systems.
2. Collaborate with community leaders, community-based and faith-based organizations, youth, youth advocates, and families to create opportunities for engaging the community on identifying and developing solutions to reduce racial disparity in the juvenile justice system.
3. Pro-actively increase workforce diversity through recruitment and mentoring and competence among legal professionals serving and representing diverse youth.
4. Work collaboratively with the Washington State Minority and Justice Commission and other interested stakeholders to review the Juvenile Court Rules for offender, dependency, truancy, At Risk Youth and Child In Need of Services proceedings to recommend new rules that will help to reduce racial disparities, enhance system coordination and efficiency, and improve long-term outcomes for youth.

LOCAL GOVERNMENTS/COURTS

- BJA
1. Working collaboratively with DSHS' Office of Juvenile Justice, the Washington State Center for Court Research, or other interested stakeholders to convene a committee or workgroup to gather and review local data, identify decision points where disparity exists including length of stay in detention, and establish benchmarks and incentives to reduce disproportionate minority contact at each decision point.

2. Adopt a racial impact review process for funding programs that impact youth at risk of or in the juvenile justice system.
3. Limit the use of secure confinement on failure to appear warrants by creating policies and funding strategies that address the underlying reasons for failures to appear in juvenile court matters.
4. Adopt policies prohibiting the use of juvenile arrests and adjudications for hiring in local government positions unless directly relevant to the work to be performed.
5. Ensure that contracts for juvenile public defenders comply with the WSBA standards for indigent public defense and that both public defenders and prosecutors who work in juvenile court have adequate resources and training to ensure fairness in the justice system.
6. Collaborate with community leaders, community-based and faith-based organizations, youth, youth advocates, and families to create opportunities for engaging the community on identifying and developing solutions to reduce racial disparity in the juvenile justice system.

LEGISLATURE

1. Adopt a racial impact review process for legislation and funding of programs that impact youth at risk of or in the juvenile justice system.
2. Expand diversion options and ensure that diversion opportunities are available to all similarly situated youth, such as allowing for diversion of felonies and multiple misdemeanors and the use of community-based and restorative justice approaches.
3. Allocate resources for programs that promote diversion from formal prosecution to treatment-oriented or other supportive services for youth.
4. Incentivize the use of culturally competent, positive behavior and positive school climate approaches to school misconduct to reduce exclusionary discipline practices (suspensions and expulsions) and the use of law enforcement in schools.
5. Allocate state resources to improve the quality of juvenile public defense and juvenile prosecution.
6. Amend laws governing the filing and sentencing of youth in the adult criminal justice system to be consistent with current social science research and the U.S. Supreme Court's decisions in *Graham v. Florida*, 130 S. Ct. 2011 (2010) and *JDB v. North Carolina*, 131 S. Ct. 2394 (2011).

Supreme Court Administrative Committee Recommendations

The Task Force on Race and the Criminal Justice System Recommendations Made to the Supreme Court and Proposed Plans for Implementation Washington Minority and Justice Commission September 7, 2011

At the Supreme Court's September 7, 2011 Administrative En Banc Conference the justices agreed to refer the Recommendations Made to the Supreme Court and Proposed Plans for Implementation Washington Minority and Justice Commission to the court's Administrative Committee to discuss "next steps." The Administrative Committee reviewed the recommendations in more detail to determine which recommendations to suggest that the Commission pursue, which recommendations to recommend to the court to pursue, and which recommendations the court should leave to the Commission to make its own decision whether to pursue within the Commission's vision, mission, and goals.

Suggested Recommendations that the Commission Pursue

Task Force Recommendation #1—Participate and exercise leadership in the public dialogue on race within our justice system. Institutionally create and/or empower an entity to address these concerns publicly and to play a leadership role in oversight.

Suggested Recommendations that the Supreme Court Pursue

Task Force Recommendation #2—Commit to a series of forums on specific issues related to race in the criminal justice system so that specific and detailed recommendations for real change might be achieved.

Recommend to Supreme Court to commit to convene a roundtable once a year at the Supreme Court. The chief justice should invite legislative and executive branch officials to attend

Suggested Recommendations Commission is Welcome to Pursue, Provided Actions Fit Within the Commission's Vision, Mission, and Goals

Task Force Recommendation #3—Commit to the ongoing education of judges at all levels and direct the staff at AOC to actively support the judicial conferences in funding and supporting fact based quality presentations on the problems of bias and racial disparity. Encourage judges to undergo training on pretrial and bail screening instruments to reduce racial disparity among the detained/incarcerated population.

Task Force Recommendation #5—Undertake a critical review of each stage of our criminal proceedings in all of our trial courts to examine whether there might be practices that might have developed over time that contribute to racial disparity and commit to addressing these practices either by training or court rule.

Other Recommendations

Task Force Recommendation #4—Direct the Washington State Center for Court Research to study and publish data regarding the incarceration of minority populations and undertake a review of race neutral policies, practices and laws that may contribute to racial disproportionality with the goal of publishing such information and keeping the data fresh and updated.

The Administrative Committee recommends the court refer this recommendation to Washington State Center for Court Research (WSCCR) to Judge Ann Schindler, chair of WSCCR, and to Jeff Hall to determine whether WSCCR can accomplish the task and determine the cost involved.

Task Force Recommendation #6—Support the expansion of alternative sentencing policies (other than incarceration) and have a serious dialogue regarding the status of felons post-release from prison and the obstacles to successful re-entry into society.

The Administrative Committee recommends that the Supreme Court refer this recommendation to BJA for discussion and recommended action with a response back to the Supreme Court.

Task Force Recommendation #7—Encourage and advocate for an increase in pretrial diversion programs, alternatives to arrest, and the expansion of therapeutic courts.

The Administrative Committee recommends that the Supreme Court refer this recommendation to BJA for discussion and recommended action with a response back to the Supreme Court.

Task Force Recommendation #8—Develop and implement through the center for court research a rigorous method for evaluating whether any initiative undertaken to reduce racial disparity in the criminal justice system does in fact reduce racial disparity.

The Administrative Committee recommends the court refer this recommendation to Washington State Center for Court Research (WSCCR) to Judge Ann Schindler, chair of WSCCR, and to Jeff Hall to determine whether WSCCR can accomplish the task and determine the cost involved.

Task Force Recommendation #1.

"Participate and exercise leadership in the public dialogue on race within our justice system. Institutionally create and/or empower an entity to address these concerns publicly and to play a leadership role in oversight."

Implementation Proposal

- The Minority and Justice Commission, as a Supreme Court Commission, should take the leadership role in the public dialogue and the educational efforts on race. The history and existence of the Commission make it unnecessary to establish another group or committee. *See* Appendix "1A" for History and Publications. The Commission should be designated as the entity charged with implementing the Task Force recommendations.
- The Board for Judicial Administration Resolution on Race provides an excellent opportunity for the Commission and BJA to collaborate on a court-wide (all levels of court) effort to bring wider attention to the issues of disproportionality and disparity. *See* Appendix "1B" BJA Resolution 2011.
- The audience of these educational efforts should remain the wider public community but there should be an emphasis on judicial officers.
- Although there are many intersections and overlap of numerous social issues involving access to justice, the subject of race should be the primary focus of these educational opportunities.

Task Force Recommendation #2.

“Commit to a series of forums on specific issues related to race in the criminal justice system so that specific and detailed recommendations for real change might be achieved.”

Implementation Proposal

- The education symposium by the Task Force at the Temple of Justice was noted for its effectiveness and should be used as a model for future forums. Thus, the Washington Supreme Court should commit to an annual half day symposium or forum on race and justice. Such a forum could be called, “The Annual Washington State Supreme Court Forum on Race and Justice” with specific issues addressed in depth. The forum should be open to the public and available through TVW, and could be held in different parts of the State. Webcasting the symposium might attract more interest if continuing education credits on ethics could be obtained for lawyers and judges.
- Each Supreme Court Justice should commit to attending such forums since it would be an opportunity for the Court to become more visible in local communities and for the Justices to hear from diverse populations across the state.

Task Force Recommendation #3.

"Commit to the ongoing education of judges at all levels and direct the staff at AOC to actively support the judicial conferences in funding and supporting fact based quality presentations on the problems of bias and racial disparity. Encourage judges to undergo training on pre-trial and bail screening instruments to reduce racial disparity among the detained/incarcerated population."

Implementation Proposal

- The Board for Court Education (BCE) should require mandatory judicial education on issues related to racial justice. This mandatory education could be developed as part of the ethics requirements. Supreme Court Justices should participate and serve as leaders in judicial educational programs.
- The racial justice curriculum for judges should have a practical component, with tips and tools offered to judges on avoiding disparate racial impact which may result from their decision-making. In addition, "experiential" programs should be offered that will sensitize judges to how various minority groups experience our justice system. The Minority and Justice Commission, in collaboration with the Judges' Associations and with staff support from AOC educators, should take a leadership role in planning and securing funding for this initiative.
- There should be education on racial justice that includes lawyers and law students. The Washington State Bar Association and the three law schools should be invited to develop programs that will encourage lawyers and students to become educated on these issues.
- The staff at the Administrative Office of the Courts (AOC) in concert with the Judges' Associations should continue to work on developing and promoting the use of pre-trial release tools in accordance with CRr3.2. Because counties and courts may utilize different tools, AOC should explore and survey what tools courts around the state at all levels are using and the Center for Court Research should evaluate whether such tools are scientific and actually comport with the court rule. Any tool should be validated for diverse populations and take into consideration limited economic circumstances. Risk assessment tools and pre-trial and bail screening instruments should be identified and evaluated in an effort to reduce racial disparity among the detained/incarcerated populations. The AOC should create and distribute a survey to judicial officers.

Task Force Recommendation #4

"Direct the Washington State Center for Court Research to study and publish data regarding the incarceration of minority populations and undertake a review of race neutral policies, practices and laws that may contribute to racial disproportionality with the goal of publishing such information and keeping the data fresh and updated."

Implementation Proposal

Accurate data collection regarding the State's prison and jail population is critical for any credible exploration of incarceration rates and whether racial disproportionality exists. The Department of Corrections possesses data on those incarcerated in our state prisons and most county jails collect demographic information and report statistical information to the Washington Association of Sheriffs and Police Chiefs. However, the data is not linked to other data bases that would allow for meaningful study. For example, there is little data readily available from courts across the state that would allow for a comparison of information related to arrests, filings, or convictions without detention, and sentencing practices on felonies that have been reduced to misdemeanors. In addition, as evidenced in Attachment "4A", the breakdown by race or ethnicity for some large counties is sorely lacking. For example, it appears that there is no reliable data on the incarcerated Latino population in King County because they are generally categorized as Caucasian with no other ethnic information.

A primary source of statistics for felony conviction data was the Sentencing Guidelines Commission. The recent legislative session eliminated the Sentencing Guidelines Commission as an independent agency. Effective July 1, 2011 it became an advisory agency located within the Office of Financial Management. The Caseload Forecast Council has assumed responsibility for the Commission's adult felony and juvenile disposition databases, the annual sentencing statistical summaries, and the sentencing manuals. While the enabling statute requires that the Council develop a computerized data base of adult and juvenile felony dispositions, there still needs to be a broader and more comprehensive collection of information that includes misdemeanors.

The subcommittee recommends that the Center for Court Research be directed to:

- Collect the information and data that is currently available regarding prison and jail populations and make it available on the AOC web site for judicial officers and court staff. There is a multitude of data bases and sources of information and it would be helpful to have the data or access to the data (web sites) organized in one single location and linked to one another.
- Document the existing practices of how data on race and ethnicity is collected by various agencies within the criminal justice system. Advocacy for uniformity and inclusiveness in data collection will be easier if a framework is created and if there is a baseline of information, including information from courts.

- Identify the risk assessment tools and practices that courts around the state are utilizing in making pre-trial release decisions and evaluate their scientific reliability (see proposal related to #3). The tools should be made available on the AOC web site.
- Once the data on incarceration rates is refreshed and available, the subcommittee recommends that the review of racially neutral policies as requested by the Task Force be undertaken under the sponsorship of the Minority and Justice Commission in collaboration with the three laws schools. An expected outcome of the review would be a set of proposals for reducing disproportionality. These might include proposals to replicate the DWLS relicensing projects undertaken by the City of Spokane and the King County District Court, for example.

Task Force Recommendation # 5

"Undertake a critical review of each stage of our criminal proceedings in all of our trial courts to examine whether there might be practices that might have developed over time that contribute to racial disparity and commit to addressing these practices either by training or court rule."

Implementation Proposal

- The subcommittee recommends establishing a Task Force under the auspices of the Minority and Justice Commission to undertake a review of practices at the trial court level that contribute to racial disparity. The composition of the Task Force would include judges from the Superior Court Judges' Association and the District and Municipal Court Judges Association, prosecutors and defense counsel.
- Practices of concern include accepting pleas at arraignment without the opportunity for defense counsel to be appointed, paying fines in lieu of jail or trading treatment costs for jail time, recording failures to pay as failures to appear, and issuing bench warrants for failure to pay legal financial obligations. This recommendation includes *affirmatively seeking financial support for this project from outside funding sources* (grants from private foundations and the Department of Justice) so that the project would be adequately staffed and completed in a timely manner. We believe that a factual review of practices would permit these issues to be addressed by court rule and/or judicial education
- The Minority and Justice Commission drafted the revised Criminal Rule 3.2 regarding pre-trial release. The next logical step is to encourage "on the record" consideration of the factors listed in the rule and to provide a form that assists a judicial officer in making such findings. The Commission has developed pretrial release order forms for both superior and limited jurisdiction courts that are underutilized. *See Attachment "5A"*. The Minority and Justice Commission in collaboration with the education committees of the Judges' Associations should provide judicial education on the topic.

Task Force Recommendation #6

"Support the expansion of alternative sentencing policies (other than incarceration) and have a serious dialogue regarding the status of felons post-release from prison and the obstacles to successful re-entry into society."

Implementation Proposal

- The subcommittee recognizes that there has been significant work undertaken by a number of counties and the Superior Court Judges' Association, at the state level, to support alternative drug sentencing laws which have in fact reduced recidivism. Thus, the subcommittee recommends that the Court host an educational forum for the Legislature on the success of sentencing alternatives and treatment courts in reducing recidivism. The primary focus would be to highlight some of the success stories achieved by therapeutic courts. See Implementation Proposal #7 and Attachments thereto.
- The second part of the recommendation is to learn about the obstacles that convicted felons face post-release and to explore how courts might assist individuals in re-entering society. There are "re-entry courts" being developed in other parts of the country and the subcommittee recommends that the Minority and Justice Commission be asked to compile information about these courts and make the information available to our courts as a way to explore the judiciary's role in a felon's re-entry and reduction in recidivism. See Attachments "6A" - "6D". In addition to the challenges of being a convicted felon, the subcommittee became aware of alleged practices in some limited jurisdiction courts of allowing convicted individuals to circumvent treatment or the payment of fines in exchange for jail time. The subcommittee recommends that the Minority and Justice Commission be asked to research whether such practices are occurring in municipal, district courts and superior courts.

Task Force Recommendation #7

"Encourage and advocate for an increase in pre-trial diversion programs, alternatives to arrest, and the expansion of therapeutic courts."

Implementation Proposal

- The subcommittee recommends that the Court ask the Minority and Justice Commission to: 1) compile and publish a list of all therapeutic courts operating in our state; 2) compile and make available on a single web site the rates of recidivism of such courts and/or other studies regarding their effectiveness. The information would assist the Court and Judges' Associations to become better advocates of these programs; *See* Sampling of Examples in Attachments "7A" – "7F" and 3) work with the Executive and Legislative branches to provide express authority to use pre-trial diversion programs in courts of limited jurisdiction.

Task Force Recommendation #8

"Develop and implement through the center for court research a rigorous method for evaluating whether any initiative undertaken to reduce racial disparity in the criminal justice system does in fact reduce racial disparity."

Implementation Proposal

- The subcommittee is aware that a number of projects and programs have been undertaken over the last ten years that were intended to reduce racial disproportionality. The subcommittee is also aware that success cannot always be measured by numbers alone. Thus, the subcommittee recommends that the Washington State Center for Court Research work with the Task Force to design an instrument or method for evaluating whether any of the initiatives have been effective in reducing racial disparity.



Board for Judicial Administration

Problem-Solving Courts Authorizing Legislation Workgroup Recommendations to BJA

The Problem-Solving Courts Authorizing Legislation Workgroup (Workgroup) was created as an *ad hoc* workgroup of the Board for Judicial Administration (BJA) to:

- Determine whether the establishment of problem solving courts in statute is necessary and advisable.
- If it is advisable to establish problem-solving courts in statute, determine whether it is preferable to have a separate statute for each type of problem solving court or to have a single statutory framework under which courts may establish different types of problem-solving courts.

The Workgroup's members were Judge Brett Buckley, Thurston County District Court; Judge Patrick Burns, Auburn Municipal Court; Judge Harold Clarke, Spokane County Superior Court; and Judge Harry McCarthy, King County Superior Court.

The Workgroup met via phone on July 9, 2012 and exchanged email correspondence.

RECOMMENDATIONS

The Workgroup reviewed the charter and problem statement as well as the two questions posed by the BJA. The Workgroup generally agreed that authorizing legislation for problem-solving courts is not necessary because the courts already possess the authority to operate these courts. However, it was recognized that the legislature has already made the decision to pass such legislation on a number of occasions, and if such legislation is to be had, it is preferable to have one broad statute rather than a number of statutes specific to each type of court. Any such legislation should allow the courts as much flexibility as possible in operating their problem-solving courts and in determining the criteria for eligibility to participate and should apply to both cities and counties.

Rather than preemptively seeking broad authorizing legislation, the Workgroup recommends developing an amendment to any type-specific legislation. BJA should develop a generic amendment prior to the legislative session so that BJA is prepared to respond to any proposed bills during the legislative session. The Workgroup also recommends the development of a statement of general principles that would be applicable to all problem-solving courts.

The members of the Workgroup volunteer to draft the amendment and statement of principles for review by the BJA at its September meeting. The materials would also be reviewed by the SCJA's Therapeutic Courts Committee, the DMCJA's Therapeutic Courts Committee, and the Washington Association of Drug Court Professionals, whose comments would be provided to BJA for their consideration.

July 10, 2012

BJA BUSINESS ACCOUNT – SECOND QUARTER 2012 SUMMARY

APRIL – JUNE 2012			
ITEM	WITHDRAWAL	DEPOSIT	BALANCE
BEGINNING BALANCE			\$13,384.12
BOOKKEEPING SERVICES	\$150.00		
EXPENSES	\$552.95		
DEPOSITS		\$00.00	
ENDING BALANCE			\$12,681.17

BJA BUSINESS ACCOUNT FIRST QUARTER 2012 DETAIL ACTIVITY

DATE	CK #	TO	FOR	AMOUNT	CLEARED
4.7.12	3603	2012 DOUBLE CUP CLASSIC	REGISTRATION FOR MELLANI MCALEENAN – LEGISLATIVE RELATIONS	155.00	X
4.23.12	3604	COLLEEN CLARK	APRIL BOOKKEEPING	50.00	X
4.30.12	3605	BETH FLYNN	MATS/FRAMES FOR OUTGOING BJA MEMBERS: CULPEPPER, INVEEN, TRIPP	81.24	X
5.23.12	3606	COLLEEN CLARK	MAY BOOKKEEPING	50.00	X
6.26.12	3607	COLLEEN CLARK	JUNE BOOKKEEPING	50.00	X
6.26.12	3608	MELLANI MCALEENAN	EXPENSES FOR CONFERENCE – ROOM/MILEAGE – LEGISLATIVE RELATIONS	316.71	X
				702.95	

DEPOSIT DATE	AMOUNT

BJA BUSINESS ACCOUNT – FIRST QUARTER 2012 SUMMARY

JANUARY – MARCH 2012			
ITEM	WITHDRAWAL	DEPOSIT	BALANCE
BEGINNING BALANCE			\$13,534.12
BOOKKEEPING SERVICES	\$150.00		
EXPENSES	\$00.00		
DEPOSITS		\$00.00	
ENDING BALANCE			\$13,384.12

BJA BUSINESS ACCOUNT FIRST QUARTER 2012 DETAIL ACTIVITY

DATE	CK#	TO	FOR	AMOUNT	CLEARED
1.25.12	3600	COLLEEN CLARK	JANUARY BOOKKEEPING	50.00	X
2.24.12	3601	COLLEEN CLARK	FEBRUARY BOOKKEEPING	50.00	X
3.26.12	3602	COLLEEN CLARK	MARCH BOOKKEEPING	50.00	X

DEPOSIT DATE	AMOUNT

BOARD FOR JUDICIAL ADMINISTRATION DUES INFORMATION

In 1987, the Board for Judicial Administration (BJA), under the leadership of Chief Justice Pearson, established a private account funded with dues paid by judges from their personal funds. The initial reason for establishing the account was to pay for dinner meetings with legislators for which the use of public funds is not appropriate. Contributions from judges of all court levels was deemed appropriate as the legislative agenda of the BJA represents the judiciary as a whole and generally seeks improvements that affect all court levels.

Primary Account Uses

The primary uses of the account are:

- Travel expenses related to Salary Commission hearings
- Legislative dinners, events, receptions, and “brown bag” sessions
- Travel expenses for judges testifying before the legislature on behalf of the BJA
- BJA events that exceed the state per diem
- Miscellaneous expenses, such as recognition gifts for Board members leaving the BJA and photographs of bill signings

Dues Schedule

The dues schedule has remained unchanged since 1993 when the amount increased from \$25 to \$55 for full-time judges.

Supreme Court Justices	\$55.00
Court of Appeals Judge	\$55.00
Superior Court Judge	\$55.00
Courts of Limited Jurisdiction Judge (full-time)	\$55.00
Courts of Limited Jurisdiction Judge (part-time)	\$30.00

Assessment Schedule

The dues have been levied on an as-needed basis, on average once every two years. The most recent dues request occurred in 2009. Current records indicate that dues were assessed in 1998, 2000, 2002, 2004, 2006, and 2009.

Current as of July 2012

Primary Expense

Recent history indicates that the largest regularly occurring expense is the regional dinners BJA holds with legislators and local judges prior to each regular legislative session.

Dinners	1998	2004	2008	2010
TOTAL COST	\$6,324.76	\$8,012.18	\$10,486.21	\$6,619.37
Total Legislators	Sen 16/Rep 28 =44	Sen 13/Rep 23 =36	Sen 9/Rep 18 =27	Sen 10/Rep 27 =37

Historical Account Summary

YEARLY ACCOUNT SUMMARY	
Year End 2011	\$13,534.12
Year End 2010	\$16,369.87
Year End 2009 (dues request Nov 2009)	\$15,760.64
Year End 2008	\$13,865.64
Year End 2007	\$25,392.23
Year End 2006 (dues request mid-2006)	\$29,337.81
Year End 2005	\$17,051.99
Year End 2004	\$15,725.85
Year End 2003	\$23,439.24
Year End 2002	\$27,268.71
Year End 2001	\$15,838.93
November 2000	\$27,994.57

Historical Participation

Contributions are voluntary, however all judges are encouraged to contribute because a higher number of contributions ensures a lower dues amount for each individual judge. In 2009, when the last assessment occurred, approximately 70% of judges voluntarily contributed to the account.

Current as of July 2012

**BOARD FOR JUDICIAL ADMINISTRATION
2009-2010 DUES**

Dear Colleagues,

In 1987 the Board for Judicial Administration, under the leadership of Chief Justice Pearson, established a private account funded with dues paid by judges from their personal funds. The initial reason for establishing the account was to pay for dinner meetings with legislators for which the use of public funds is not appropriate. Contributions from judges of all court levels was deemed appropriate as the legislative agenda of the Board for Judicial Administration represents the judiciary as a whole and generally seeks improvements that affect all court levels. The dues have been levied on an as-needed basis through the years, on average about once every two years. The most recent dues levy occurred in 2006. The dues schedule has remained unchanged since 1992.

The primary uses of the account are:

- Travel expenses related to Salary Commission hearings
- Legislative dinners, receptions, and "brown bag" sessions
- Travel expenses for judges testifying before the legislature on behalf of the Board for Judicial Administration
- Board for Judicial Administration events that exceed the state per diem
- Miscellaneous expenses such as recognition gifts for Board members leaving the Board and photographs of bill signings

On behalf of the Board for Judicial Administration, we encourage you to participate in supporting the Board's efforts on your behalf and that of the judicial branch of government. Please direct any questions you may have regarding this notice or the purposes for which these dues are used to either your BJA representative or Mellani McAleenan, Associate Director. Ms. McAleenan may be reached at (360) 357-2113.

Sincerely,

Chief Justice Gerry Alexander

Judge Michael Lambo

Board for Judicial Administration Dues Schedule

Supreme Court Justices	\$55.00
Court of Appeals Judge.....	\$55.00
Superior Court Judge	\$55.00
Courts of Limited Jurisdiction Judge (full-time)	\$55.00
Courts of Limited Jurisdiction Judge (part-time).....	\$30.00

Please make check payable to BJA and return in the enclosed envelope.

Thank you.

Representative Deborah Eddy
Washington State Legislature
Olympia, WA 98504

Dear Rep. Eddy,

I wanted to take an opportunity to follow-up on your question to me last week during the joint work session of the House Judiciary and House General Government Appropriations & Oversight Committees. Specifically you asked, as I was leaving Washington State government and Washington Courts after more than 20 years, what were, in my opinion, the most impactful changes or reforms that could be pursued to improve our justice and court systems. My off-the-cuff response covered two topics. I would like to briefly elaborate on those and take this chance, upon reflection, to offer a couple of additional thoughts.

Creating a Single Court of Limited Jurisdiction

In 1959 the state legislature had before it, on the final day of session, a bill to eliminate justices of the peace and city, town and police courts, replacing them with a single court of limited jurisdiction. This bill failed upon the objections of the cities. Two years later, the Justice Court Act of 1961 was passed, roughly creating our current system comprised of both District and Municipal Courts. While many studies and reports since 1961 have all concluded a single court of limited jurisdiction would be a better model, the status quo has carried the day, as it often does.

The reasons for moving to a single court of limited jurisdiction are simple and straightforward:

- Small municipal courts less efficient than larger, full-time courts.
- Training and staff professionalism is hard to maintain for court staff in very small, part-time courts.
- Part-time courts offer limited services, while the public expects a court to be available and to timely hear all matters for which the court has jurisdiction.
- Full-time judges do not have conflicts of interest and develop into better jurists over time with a full-time focus on judicial duties and issues as compared to part-time judges who also maintain law practices
- While barriers to travel still exist today, they are not nearly the barrier they presented over 50 years ago. Fewer, more centralized locations will better serve the public.

The legitimate barriers and concerns that must be overcome to make this reform workable include:

- Providing assurance that local government revenues and expenditures will not be significantly affected by the change.

- That the court will be responsive and sensitive to local issues, such as ensuring case scheduling minimizes law enforcement officer overtime and a prosecutor's cases are consecutively scheduled.
- Establishing a process and set of criteria for determining court locations.

Driving While License Suspended 3rd Degree

This is a relatively divisive topic, even among members of the judiciary, and my perspective on this issue does not represent an official position of the judiciary. First, DWL 3rd degree should not be decriminalized. It should remain a misdemeanor to deter and punish individuals for whom the State has a legitimate interest in preventing from driving. Rather, what should be examined are the reasons the state is suspending drivers licenses in the first instance. Specifically, the state should examine whether the suspension of a drivers license for failure to pay a financial obligation due the court and failure to appear for a court hearing is an effective means of inducing payment and appearance. If suspension of the license is not efficacious, the practice should be discontinued. On this topic, I often look to the phrase "we should lock up the people we are afraid of, not the ones we are mad at." I think we are mad at the people who do not pay their tickets. I do not believe there is reliable evidence that we should be afraid of them being on the road driving. In fact, we would be better off if they were licensed and legally driving to work to earn the money to pay off their financial obligations.

Sentencing Reform Act

The 1981 Sentencing Reform Act drives significant court and incarceration costs. Over xx cases are filed annually in the state Court of Appeals and Supreme Court, representing xx% of the total caseload.

The Sentencing Reform Act, while resulting in more even sentencing statewide, has resulted in higher rates of incarceration for longer periods of time

While the legislature has restored some discretion to trial court judges over the years, the reality is that the SRA is constantly changing and becomes increasingly complex each year. The Legislature should consider making the determinate sentencing grids advisory. This would support the original goal of the SRA, proportionality, while eliminating costly appeals.

Thank you for the invitation to comment, and I wish you the best in all of your future endeavors.

Sincerely,

Jeff Hall
State Court Administrator

BOARD FOR JUDICIAL ADMINISTRATION

PROCESS AND GUIDELINES FOR RESOLUTION REQUESTS

The Board for Judicial Administration (Board) was established to adopt policies and provide strategic leadership for the courts at large, enabling the Washington State judiciary to speak with one voice. To fulfill these objectives, the BJA may consider adopting resolutions on substantive topics relating to the administration of justice.

Resolutions may be aspirational in nature, support a particular position, or serve as a call to action. Resolutions may support funding requests, but do not stand alone as a statement of funding priorities or indicate an intent by the Board to proactively seek funding. Resolutions are not long-term policy statements and their adoption does not establish the Board's work plan or priorities.

The absence of a Resolution on a particular subject does not indicate a lack of interest or concern by the Board in regard to a particular subject or issue.

In determining whether to adopt a proposed resolution, the Board shall give consideration to the following:

- Whether the Resolution advances the Principal Policy Objectives of the Judicial Branch.
- The relation of the Resolution to priorities delineated in existing strategic and long range plans.
- The availability of resources necessary to properly act upon the resolution.
- The need to ensure the importance of resolutions adopted by the Board is not diluted by the adoption of large numbers of resolutions.

In order to ensure timely and thorough consideration of proposed resolutions, the following guidelines regarding procedure, form and content are to be followed:

- Resolutions may be proposed by any Board member. The requestor shall submit the resolution, in writing, with a request form containing a brief statement of purpose and explanation, to the Associate Director of the Board for Judicial Administration.
- Resolutions should not be more than two pages in length. An appropriate balance must be struck between background information and a clear statement of action. Traditional resolution format should be followed. Resolutions should cover only a single subject unless there is a clear and specific reason to include more than one subject. Resolutions must be short-term and stated in precise language.

- Resolutions must include a specific expiration date or will automatically expire in five years. Resolutions will not be automatically reviewed upon expiration of their term, but may be reviewed upon request for reauthorization. Resolutions may be terminated prior to their expiration date as determined by the Board.
- The Associate Director shall refer properly submitted resolutions to appropriate staff, and/or to an appropriate standing committee (or committees) for review and recommendation, or directly to the Board's Executive Committee, as appropriate. Review by the Board's Executive Committee will precede review by the full Board membership. Such review may be done via e-mail communication rather than in-person discussion when practical. Resolutions may be reviewed for style and content. Suggestions and comments will be reported back to the initiating requestor as appropriate.
- The report and recommendation of the Executive Committee shall be presented to the BJA membership at the next reasonably available meeting, at which time the resolution may be considered. Action on the proposed resolution will be taken in accordance with the BJAR and bylaws. The Board may approve or reject proposed resolutions and may make substantive changes to the resolutions.
- Approved resolutions will be numbered, maintained on the Board for Judicial Administration section of the Washington Courts website, and disseminated as determined by the Board for Judicial Administration.

**PRINCIPAL POLICY OBJECTIVES
OF THE WASHINGTON STATE JUDICIAL BRANCH**

1. **Fair and Effective Administration of Justice in All Civil and Criminal Cases.** Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.
2. **Accessibility.** Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.
3. **Access to Necessary Representation.** Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.
4. **Commitment to Effective Court Management.** Washington courts will employ and maintain systems and practices that enhance effective court management.
5. **Appropriate Staffing and Support.** Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.

BOARD FOR JUDICIAL ADMINISTRATION RULES (BJAR)

TABLE OF RULES

Rule

Preamble

- 1 Board for Judicial Administration
- 2 Composition
- 3 Operation
- 4 Duties
- 5 Staff

BJAR
PREAMBLE

The power of the judiciary to make administrative policy governing its operations is an essential element of its constitutional status as an equal branch of government. The Board for Judicial Administration is established to adopt policies and provide strategic leadership for the courts at large, enabling the judiciary to speak with one voice.

[Adopted effective January 25, 2000.]

BJAR 1
BOARD FOR JUDICIAL ADMINISTRATION

The Board for Judicial Administration is created to provide effective leadership to the state courts and to develop policy to enhance the administration of the court system in Washington State. Judges serving on the Board for Judicial Administration shall pursue the best interests of the judiciary at large.

[Amended effective October 29, 1993; January 25, 2000.]

BJAR 2
COMPOSITION

- (a) Membership. The Board for Judicial Administration shall consist of judges from all levels of court selected for their demonstrated interest in and commitment to judicial administration and court improvement. The Board shall consist of five members from the appellate courts (two from the Supreme Court, one of whom shall be the Chief Justice, and one from each division of the Court of Appeals), five members from the superior courts, one of whom shall be the President of the Superior Court Judges' Association, five members of the courts of limited jurisdiction, one of whom shall be the President of the District and Municipal Court Judges' Association, two members of the Washington State Bar Association (non-voting) and the Administrator for the Courts (non-voting).
- (b) Selection. Members shall be selected based upon a process established by their respective associations or court level which considers demonstrated commitment to improving the courts, racial and gender diversity as well as geographic and caseload differences.
- (c) Terms of Office.

(1) Of the members first appointed, one justice of the Supreme Court shall be appointed for a two-year term; one judge from each of the other levels of court for a four-year term; one judge from each of the other levels of court and one Washington State Bar Association member for a three-year term; one judge from the other levels of court and one Washington State Bar Association member for a two-year term; and one judge from each level of trial court for a one-year term. Provided that the terms of the District and Municipal Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2011 shall be for two years and the terms of the Superior Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2013 shall be for two years each. Thereafter, voting members shall serve four-year terms and the Washington State Bar Association members for three-year terms commencing annually on June 1. The Chief Justice, the President Judges and the Administrator for the Courts shall serve during tenure.

(2) Members serving on the BJA shall be granted equivalent pro tempore time.

[Amended effective October 29, 1993; February 16, 1995; January 25, 2000; June 30, 2010.]

BJAR 3
OPERATION

(a) Leadership. The Board for Judicial Administration shall be chaired by the Chief Justice of the Washington Supreme Court in conjunction with a Member Chair who shall be elected by the Board. The duties of the Chief Justice Chair and the Member Chair shall be clearly articulated in the by-laws. The Member Chair shall serve as chair of the Long-range Planning Committee. Meetings of the Board may be convened by either chair and held at least bimonthly. Any Board member may submit issues for the meeting agenda.

(b) Committees. Ad hoc and standing committees may be appointed for the purpose of facilitating the work of the Board. Non-judicial committee members shall participate in non-voting advisory capacity only.

(1) The Board shall appoint at least three standing committees: Long-range Planning, Core Missions/Best Practices and Legislative. Other committees may be convened as determined by the Board.

(2) The Chief Justice and the Member Chair shall nominate for the Board's approval the chairs and members of the committees. Committee membership may include citizens, experts from the private sector, members of the legal community, legislators, clerks and court administrators.

(c) Voting. All decisions of the Board shall be made by majority vote of those present and voting provided there is one affirmative vote from each level of court. Eight voting members will constitute a quorum provided at least one judge from each level of court is present. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

[Adopted effective January 25, 2000.]

BJAR 4
DUTIES

(a) The Board shall establish a long-range plan for the judiciary;

(b) The Board shall continually review the core missions and best practices of the courts;

(c) The Board shall develop a funding strategy for the

judiciary consistent with the long-range plan and RCW 43.135.060;

(d) The Board shall assess the adequacy of resources necessary for the operation of an independent judiciary;

(e) The Board shall speak on behalf of the judicial branch of government and develop statewide policy to enhance the operation of the state court system; and

(f) The Board shall have the authority to conduct research or create study groups for the purpose of improving the courts.

[Adopted effective January 25, 2000.]

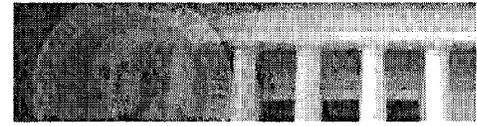
BJAR 5
STAFF

Staff for the Board for Judicial Administration shall be provided by the Administrator for the Courts.

[Adopted effective January 25, 2000.]



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BOARD FOR JUDICIAL ADMINISTRATION BYLAWS

ARTICLE I

Purpose

The Board for Judicial Administration shall adopt policies and provide leadership for the administration of justice in Washington courts. Included in, but not limited to, that responsibility is: 1) establishing a judicial position on legislation; 2) providing direction to the Administrative Office of the Courts on legislative and other administrative matters affecting the administration of justice; 3) fostering the local administration of justice by improving communication within the judicial branch; and 4) providing leadership for the courts at large, enabling the judiciary to speak with one voice.

ARTICLE II

Membership

Membership in the Board for Judicial Administration shall consist of the Chief Justice and one other member of the Supreme Court, one member from each division of the Court of Appeals, five members from the Superior Court Judges' Association, one of whom shall be the President; five members from the District and Municipal Court Judges' Association, one of whom shall be the President. It shall also include as non-voting members two members of the Washington State Bar Association appointed by the Board of Governors; the Administrator for the Courts; and the Presiding Chief Judge of the Court of Appeals, the President-elect judge of the Superior Court Judges' Association and the President-elect judge of the District and Municipal Court Judges' Association.

ARTICLE III

Officers and Representatives

The Chief Justice of the Supreme Court shall chair the Board for Judicial Administration in conjunction with a Member chair. The Member chair shall be elected by the Board and shall serve a two year term. The Member chair position shall be filled alternately between a voting Board member who is a superior court judge and a voting Board member who is either a district or municipal court judge.

ARTICLE IV

Duties of Officers

The Chief Justice Chair shall preside at all meetings of the Board, performing the duties usually incident to such office, and shall be the official spokesperson for the Board. The Chief Justice chair and the Member chair shall nominate for the Board's approval the chairs of all committees. The Member chair shall perform the duties of the Chief Justice chair in the absence or incapacity of the Chief Justice chair.

ARTICLE V

Vacancies

If a vacancy occurs in any representative position, the bylaws of the governing groups shall determine how the vacancy will be filled.

ARTICLE VI **Committees**

Standing committees as well as ad hoc committees and task forces of the Board for Judicial Administration shall be established by majority vote.

Each committee shall have such authority as the Board deems appropriate.

The Board for Judicial Administration will designate the chair of all standing, ad hoc, and task force committees created by the Board. Membership on all committees and task forces will reflect representation from all court levels. Committees shall report in writing to the Board for Judicial Administration as appropriate to their charge. The Chair of each standing committee shall be asked to attend one BJA meeting per year, at a minimum, to report on the committee's work. The terms of standing committee members shall not exceed two years. The Board for Judicial Administration may reappoint members of standing committees to one additional term. The terms of ad hoc and task force committee members will have terms as determined by their charge.

ARTICLE VII **Executive Committee**

There shall be an Executive Committee composed of Board for Judicial Administration members, and consisting of the co-chairs, a Judge from the Court of Appeals selected by and from the Court of Appeals members of the Board, the President Judge of the Superior Court Judges' Association, the President Judge of the District Municipal Court Judges' Association, and non-voting members to include one Washington State Bar Association representative selected by the Chief Justice, President-elect judge of the Superior Court Judges' Association, President-elect judge of the District and Municipal Court Judges' Association and the Administrator for the Courts.

It is the purpose of this committee to consider and take action on emergency matters arising between Board meetings, subject to ratification of the Board.

The Executive Committee shall serve as the Legislative Committee as established under BJAR 3(b)(1). During legislative sessions, the Executive Committee is authorized to conduct telephone conferences for the purpose of reviewing legislative positions.

ARTICLE VIII **Regular Meetings**

There shall be regularly scheduled meetings of the Board for Judicial Administration at least bi-monthly. Reasonable notice of meetings shall be given each member.

ARTICLE IX **Special Meetings**

Special meetings may be called by any member of the Board. Reasonable notice of special meetings shall be given each member.

ARTICLE X **Quorum**

Eight voting members of the Board shall constitute a quorum provided each court level is represented.

ARTICLE XI
Voting

Each judicial member of the Board for Judicial Administration shall have one vote. All decisions of the Board shall be made by majority vote of those present and voting provided there is one affirmative vote from each level of court. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

ARTICLE XII
Amendments and Repeal of Bylaws

These bylaws may be amended or modified at any regular or special meeting of the Board, at which a quorum is present, by majority vote. No motion or resolution for amendment may be considered at the meeting in which they are proposed.

Approved for Circulation--7/27/87
Amended 1/21/00
Amended 9/13/00
Amended 5/17/02
Amended 5/16/03
Amended 10/21/05
Amended 03/16/07

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